

Federal Defenders OF NEW YORK, INC.

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March 17, 2020

By Hand and ECF

The Honorable Lois Bloom
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: United States v. Keith Levy, 20 CR 87 (RPK)

Dear Judge Bloom:

Please accept this letter *in lieu* of a formal motion seeking to release Mr. Levy on his own recognizance pending trial. At Your Honor's request, in light of the declared national emergency in response to COVID-19, I am submitting this application in writing.

Mr. Levy has a parole detainer from New York State. Should Your Honor release Mr. Levy, he will be detained at Rikers Island. The defendant consents to the government lodging a federal detainer, which would prevent Mr. Levy from being released without notice to the United States Marshals.

On March 10, 2020, the parties appeared before the Hon. Rachel P. Kovner for a status conference, and defense counsel was granted permission to seek a detention hearing before the duty magistrate. Mr. Levy's trial is scheduled to begin on April 27, 2020, therefore, his case is not among those that were administratively adjourned pursuant to Administrative Order No. 2020-06, issued by Chief Judge Mauskopf on March 16, 2020.

Mr. Levy is seeking release from federal custody so that he will remain in custody on Rikers Island during the pendency of this action. Mr. Levy initially raised concerns regarding the expense of staying in contact with his family and loved ones while incarcerated at the MDC which charges higher fees for phone calls. However, given the Bureau of Prisons' nationwide suspension of all social and legal visitation, I have additional concerns regarding my ability to effectively prepare for Mr. Levy's upcoming trial should he remain in federal detention. Rikers Island has

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not cancelled legal visitation.

I have been in contact with Mr. Levy's counsel on his parole matter and have been informed that parole has until May 18, 2020 to bring Mr. Levy to his final hearing. Thus, it appears there is no danger that he will be released from state custody while this case is pending. Further, the defendant consents to the lodging of a federal detainer immediately upon his transfer into state custody. This would ensure that Mr. Levy was transferred into federal custody in the unlikely event that he was released from state custody while his federal case was still pending.

Given the nature of this application, there is no danger that Mr. Levy poses a risk of flight, thus, we respectfully request that the court grant this application for release.

Very truly yours,

/s/

Michelle A. Gelernt
Deputy-in-Charge
(718) 330-1204

cc: Hon. Rachel P. Kovner [by ECF]
Clerk of the Court [by ECF]
AUSA Andrew Wang [by email]
PTSO Robert Stehle [by email]